IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17162 of 1995

Date: 19th September, 2006

Between:

U.V.Subba Rao

.. Petitioner

And

The Commissioner,
Endowments Department,
Govt. of A.P., Tilak Road, Hyderabad and
another.

.. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17162 of 1995

ORDER:

There is no necessity of going into all the details.

It seems, the petitioner has worked for more than 10 years as Electrician in the second respondent-Temple and on considering the representation of the petitioner, the first respondent passed order dated 17.5.1985 permitting the second respondent-Temple to pay the time scale of Rs.425-10-455-15-630 to the petitioner and accordingly the second respondent-Temple revised the pay scale of petitioner by order dated 3.6.1985. By order of the first respondent dated 16.6.1990, the petitioner was sanctioned time scale of Rs.1330-60-1930-70-2630 and thereafter in view of some objection taken by the Audit Officer through impugned proceedings, the salary of the petitioner is sought to be recovered on the ground that the fixation of pay scale earlier was not proper. However, before passing impugned orders dated 5.11.1994

and 30.5.1995, no notice of any kind was issued to the petitioner.

In view of the above, I am of the opinion that the impugned orders dated 5.11.1994 and 30.5.1995 suffers from gross violation of principles of natural justice and therefore, the same are liable to be set aside and accordingly set aside. However, the respondents are at liberty to take appropriate action as per law after putting the petitioner on notice in this regard. This will not prevent the authorities from considering the case of the petitioner for being promoted to the post of Assistant Engineer, if such a vacancy is available as of now.

The writ petition is accordingly allowed. No order as to costs.

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C.V.RAMULU, J

Date: 19.9.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

19.9.2006